

PATENT  
Serial No. 10/087,974  
Amendment in Reply to Office Action of May 25, 2005

IN THE DRAWING

Please replace FIGs 1-2 with the enclosed substitute FIGs 1-2.

REMARKS

Reconsideration of the present application as amended is respectfully requested.

My means of the present Amendment, the current Abstract has been amended as shown in the enclosed Replacement Abstract to delete the reference to figure 2.

In the Office Action, the Examiner objected to the drawings because FIGs 1-2 have empty boxes that should be labeled. In response, labels have been added to the boxes in FIGs 1-2. A replacement sheet including FIGs 1-2 is enclosed. Applicants respectfully request withdrawal of the drawings objection and approval of the enclosed proposed drawing changes.

In the Office Action, the Examiner objected to claims 1-2, 4-5 and 10-14 for certain informalities. Further, claims 1, 3-6 and 8-10 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In response, claims 1-5 and 10-13 have been amended to overcome the informalities noted by the Examiner, as well as other informalities. It should be noted that there is no need to amend claim 2 as noted on page 3, item 6 of the Office Action

related to changing "the controllable apparatus" (on line 3 of claim 2) to --a controllable apparatus--, since there is antecedent support on lines 2-3 of claim 2. In addition, in relation to the suggested change to claim 4 noted on page 4, item 7 of the Office Action, it should be noted that "the computer" on line 2 of claim 4 has an antecedent basis on line 1.

It is respectfully submitted that amended claims 1-5 and 10-13 overcome the objections to claims 1-2, 4-5 and 10-14, as well as the rejections to claims 1, 3-6 and 8-10 under 35 U.S.C. §112, second paragraph. Accordingly, Applicants respectfully request withdrawal of the objections to claims 1-2, 4-5 and 11-14, as well as withdrawal of the rejections to claims 1, 3-6 and 8-10 under 35 U.S.C. §112, second paragraph.

The claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or continuing applications.

In the Office Action, claims 1-14 were rejected under 35

U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,697,948 B1 (Rabin). Applicants respectfully traverse these rejections and submit that claims 1-14 are patentable over Rabin for at least the following reasons.

Rabin is directed to a method and apparatus for enabling owners and vendors of software products to protect property rights of their software. The system and method use a unique vendor tag for each instant of a specific software product. The Rabin system interacts with a monitoring program running on the user's device to ensure that no unauthorized use takes place.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 3-4 and 11, requires "verifying with said acceptance server using said information whether the configuration meets a criterion of interoperability" (emphasis added). It is respectfully submitted that the Rabin tags are not analogous to the "information" recited in independent claims 1, 3-4 and 11. The Rabin tags are used to ensure that no unauthorized use takes place while the "information" recited in independent claims 1, 3-4 and 11 are used to determine "criterion of interoperability" between a computer system and a new

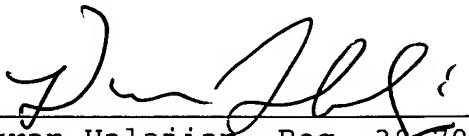
system loaded into the computer system. This feature is nowhere taught or suggested in Rabin.

Accordingly, it is respectfully submitted that independent claims 1, 3-4 and 11 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2, 5-10 and 12-14 should also be allowed at least based on dependence from independent claims 1, 3-4 and 11, as well as for the separately patentable elements contained in each of the dependent claims.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Applicants reserve the right to submit further arguments in support of the above stated position as well as the right to introduce relevant secondary considerations including long-felt but unresolved needs in the industry, failed attempts by others to invent the invention, and the like, should that become necessary.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
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Attorney for Applicant(s)  
August 16, 2005

Enclosure: Replacement drawing sheet (1 sheet with FIGs 1-2)  
Replacement Abstract

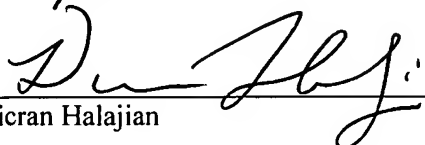
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